

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

---

**TWENTY-THIRD LEGISLATIVE DAY**  
**TUESDAY, FEBRUARY 3, 2004**

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Darrington and Noble, absent and formally excused by the Chair; and Senators Bunderson, Burkett, Cameron, Hill, and Noh, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Angela Dreher, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senators Bunderson, Burkett, and Hill were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 2, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Cameron and Noh were recorded present at this order of business.

February 3, 2004

The JUDICIARY AND RULES Committee reports that **S 1260**, **S 1261**, **S 1262**, **S 1263**, **S 1264**, and **S 1265** have been correctly printed.

DARRINGTON, Chairman

**S 1260**, **S 1264**, and **S 1265** were referred to the State Affairs Committee.

**S 1261**, **S 1262**, and **S 1263** were referred to the Judiciary and Rules Committee.

February 2, 2004

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Ford Elsaesser to the Lake Pend Oreille Basin Commission, term to expire July 24, 2006;

Brent Baker to the Lake Pend Oreille Basin Commission, term to expire July 24, 2005;

Linda Mitchell to the Lake Pend Oreille Basin Commission, term to expire July 24, 2006.

NOH, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 2, 2004

The RESOURCES AND ENVIRONMENT Committee reports out **S 1229** and **S 1230** with the recommendation that they do pass.

NOH, Chairman

**S 1229** and **S 1230** were filed for second reading.

February 2, 2004

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

William A. Parsons to the Idaho Judicial Council, term to expire June 30, 2009.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 2, 2004

The JUDICIARY AND RULES Committee reports out **S 1207**, **S 1208**, **S 1209**, and **S 1221** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1207, S 1208, S 1209, and S 1221** were filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### **Messages from the House**

February 2, 2004

Mr. President:

I transmit herewith **H 565, H 566, H 535, H 473, H 533,** and **H 534** which have passed the House.

JUKER, Chief Clerk

**H 565, H 566, H 535, H 473, H 533,** and **H 534** were filed for first reading.

February 2, 2004

Mr. President:

I return herewith **S 1213, S 1216, S 1217,** and **S 1218** which have passed the House.

JUKER, Chief Clerk

**S 1213, S 1216, S 1217,** and **S 1218** were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

##### **S 1266 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO THE IDAHO HAZARDOUS SUBSTANCE RESPONSE ACT; AMENDING SECTION 39-7103, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 39-7104, IDAHO CODE, TO PROVIDE FOR IMPLEMENTATION THROUGH THE BUREAU OF HOMELAND SECURITY; AMENDING SECTION 46-1001, IDAHO CODE, TO INCLUDE REFERENCE TO THE IDAHO HOMELAND SECURITY ACT OF 2004; AMENDING SECTION 46-1002, IDAHO CODE, TO FURTHER DEFINE TERMS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 46-1003, IDAHO CODE, TO REFER TO ACTS OF TERRORISM, TO PROVIDE REFERENCES TO HOMELAND SECURITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 46-1004, IDAHO CODE, TO PROVIDE REFERENCES TO HOMELAND SECURITY; AMENDING SECTION 46-1006, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 46-1008, IDAHO CODE, TO PROVIDE REFERENCE TO HOMELAND SECURITY, TO PROVIDE CORRECT

TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 46-1013, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 46-1017, IDAHO CODE, TO EXTEND IMMUNITY PROVISIONS TO THE BUREAU, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 46-1019, IDAHO CODE; AND AMENDING SECTION 46-1025, IDAHO CODE, TO PROVIDE REFERENCES TO HOMELAND SECURITY AND TO PROVIDE CORRECT TERMINOLOGY.

##### **S 1267 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO PROTECTIONS FOR PERSONS IN THE MILITIA; AMENDING SECTION 46-409, IDAHO CODE, TO FURTHER DEFINE MEMBERS AS PERSONS ORDERED TO ACTIVE FEDERAL SERVICE; AND DECLARING AN EMERGENCY.

##### **S 1268 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO STUDENTS CALLED TO ACTIVE DUTY; AMENDING SECTION 33-3719, IDAHO CODE, TO EXTEND RIGHTS OF STUDENTS CALLED TO ACTIVE DUTY TO INDIVIDUALS CALLED UNDER CONDITIONS SPECIFIED; AND DECLARING AN EMERGENCY.

**S 1266, S 1267,** and **S 1268** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 565** and **H 566,** by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 535** and **H 534,** by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

**H 473,** by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

**H 533,** by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11 a.m. until the hour of 11:30 a.m., Wednesday, February 4, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary